

BEAUTIFUL SKIN

Soft, White Hands with Shapely Nails, Luxuriant Hair with Clean, Wholesome Scalp, produced by CUTICURA SOAP, the most effective skin purifying and beautifying soap in the world, as well as purest and sweetest, for toilet, bath, and nursery. The only preventive of inflammation and clogging of the pores.

Cuticura

Soap is sold throughout the world. POTTER DUGG AND CO., Sole Proprietors, Boston, U. S. A. "How to Purify and Beautify the Skin, Scalp, and Hair," mailed free.

BABY HUMORS Itching and scaly, instantly relieved by CUTICURA REMEDY.



SCROFULA AND ERYSIPELAS

Two Diseases That Cause Their Victims to Be Shunned by Their Fellow-Man.

SPRINGFIELD, Mo. GENTLEMEN: I commenced taking P. P. P., Lippman's Great Remedy, last Fall, for Erysipelas. My face was completely covered with the disease; I took a short course of P. P. P., and it soon disappeared. This Spring I became much debilitated and again took another course, and I am now in good condition. I consider P. P. P. one of the best blood purifiers on the market, and for those who need a general tonic to build up the system and improve the appetite I consider that it has no equal. Will say, anyone who cares to try P. P. P., will be disappointed in its results, and I, therefore, cheerfully recommend it.

ARTHUR WOOD, Springfield, Mo.

Erysipelas and Scrofula cured by P. P. P., Lippman's Great Remedy, surely and without fail.

SPRINGFIELD, Mo. GENTLEMEN: Last June I had a scrofulous sore which broke out on my ankle. It grew rapidly, and soon extended from my ankle to my knee. I got one bottle of your P. P. P., Lippman's Great Remedy, and was agreeably surprised at the result. The entire sore healed at once. I think I have taken almost every medicine recommended for scrofula and catarrh, and your P. P. P. is the best I have ever tried. It cannot be recommended too highly for blood poison, etc.

Yours very truly, W. P. HUNTER.

P. P. P. cures all blood and skin diseases, both in men and women. Rheumatism, which makes man's life a hell upon earth, can be relieved at once by P. P. P., Lippman's Great Remedy. It makes a PERMANENT cure.

P. P. P. is the great and only remedy for advanced cases of catarrh. Stoppage of the nostrils and difficulty in breathing when lying down, P. P. P. relieves at once.

P. P. P. cures blood poisoning in all its various stages, old ulcers, sores and kidney complaints.

Sold by all druggists.

LIPPMAN BROS., Apothecaries, Sole Proprietors, Lippman's Block, Savannah, Ga.

For sale by R. R. BELLAMY.

Best Medicine

Corn Paint

Cures CORNS, BURNS and WARTS SPEEDILY and WITHOUT PAIN.

FOR SALE BY ALL DRUGGISTS.

LIPPMAN BROTHERS, Proprietors, Lippman's Block, SAVANNAH, GA.

For sale by R. R. BELLAMY.

Test of 19 Years

Columbias have been tested in the crucible of experience, with the approval of public opinion, and have not been found wanting—\$100 worth of secured bicycle quality. Same price to everybody.

Pope Mfg. Co., Hartford, Conn.

NORTH CAROLINA

Salisbury Sun: The Southern today put all of their men at Spencer to working 10 hours per day. About half of them have been working only nine hours.

The Carthage Blade notes the death of Mr. M. F. Foye, who had been mayor of the town, chairman of the board of county commissioners, and chairman of the board of education.

Washington Messenger: We understand the fixtures for a tobacco factory will be here some time this week. A company has been organized for the manufacture of tobacco. This is quite a step forward and we trust our people will give it encouragement.

Raleigh Tribune: We notice in Saturday's Charlotte Observer that a petition has been circulated in that city with a note on it to Governor Russell, asking him not to appoint W. R. Henry Judge, and that the letter of thanks would be forwarded to the governor next Monday.

New York Sun: Hon. K. I. Gudgeon, of Buncombe county, N. C., is a candidate for the Brazilian mission, and has the warm support of the western North Carolina republicans. Mr. Gudgeon has enlisted the support of Senator Fritch, who comes from the same part of the country and believes that K. I. will be the next minister to Rio.

Oxford Ledger: The tobacco crop will be much smaller this year than usual in this section, and there will also be much less guano bought. As the price of tobacco is below cost of production, our farmers will try cotton this year and not so much tobacco. There will be a fine opening in this section next fall for a cotton gin.

Raleigh Tribune: What the public wants to know is why the names of the new directors of the North Carolina railroad have not been given to the public. The failure of the reformatory bill is to be deplored. Perhaps it was not exactly the right thing, but it was a move in the right direction.

Charlotte Observer: No office is being overlooked by the pie hunters, and the chase for the Davidson college postoffice is now on. Mr. E. L. Wilson tells The Observer that a very black man is evidently in the lead, and unless those in the rear know a short cut, he will get there first. This negro has a petition six feet long.

Greenville Messenger: Dr. William Black, synodical evangelist, reached Greenville Saturday evening and took charge of the services in the Presbyterian church Sunday. He is a delightful speaker, full of earnestness, and his very expression and manner showing that his heart is thoroughly in the great work in which he is engaged.

Statesville Landmark: Hon. A. Leazar, who is in town, said, in speaking of his retirement from the management of the penitentiary, that he felt a great relief in getting down the responsibilities attached to the position. Mr. Leazar's term expires next month. He is now engaged in familiarizing his successor, Mr. John R. Smith, of Goldsboro, with the duties of the office. Henry Hargrave, colored, aged about 67 years, died Sunday afternoon of pneumonia. He was an old time soldier, a man, faithful and honest, and was well liked by his acquaintances.

Raleigh Press: While Governor Russell is absent in Wilmington, his official adviser and coadjutor, John Ceburn Logan Harris, whose official title is Grand-Snark of the Universe, is acting governor. Whether the warrant on the state treasury for \$350, in favor of Ex-Judge Avery, which was authorized by Governor Russell and endorsed by Auditor Ayer was lawfully and properly done is a question which is being argued over the state. Auditor Ayer says there is a precedent for the governor's action.

Fayetteville Observer: Rev. Dennis Hoggins, a well known colored preacher and shoemaker, died yesterday of the grippe. Mr. J. A. Oates, Jr., of this city, was in the house of his aunt, when the building was struck by lightning and completely wrecked. Not a soul was hurt, a miraculous thing considering that every member of the house was shocked and blackened. Yesterday afternoon Robert Royals was standing in front of Overby's shop on Person street when Pitt Deal approached him and tapped him on the head with a brick. Royals staggered but did not fall. It made an ugly wound in his head and blood gushed from it in torrents. Both men who had been drinking, had been quarreling over a woman, Alice Russell sister of the Mrs. Royals abducted by her brothers.

Winston Sentinel: During a conversation between several colored men, a few days ago, one of them said: "I am told that Governor Russell offered the Rev. R. H. W. Leake, the colored preacher and politician of Raleigh, the position of chaplain to his staff, with rank of colonel, but that Brother Leake declined the offer without thanks, saying that his self respect would not allow him to accept a position under a yellow skin." The speaker then said so many hard things before he was elected. A republican who heard the conversation remarked: "Governor, what a stinging rebuke this is to some of the white race."—North Carolina pie hunters are knocking at the door of the M. D. Brady luncheon room, the old darkey remarked: "It's not what you want that does you good, but what you get." It remains to be seen how many will be gratified by this standard.

Carthage Blade: Deputy Marshal John K. McDonald and a posse captured an illicit distillery and 1,500 gallons of beer in Harnett county last Thursday night. Mr. Evander McGilvray, one of the oldest and most prominent citizens of Rocket, died at Sanford one day last week from the result of injuries received by being thrown from a mule. Deputy Marshals J. K. McDonald and H. T. Bray went to the house of M. D. Brady Friday night with a capias for his arrest. A fruitless search of the house was made, but just as they were leaving, a suspicious looking trunk was noticed, and a look inside revealed Brady, dressed in his underclothing. He is the same man who gave Deputy McDonald and Kelly leg bail, when at the jail door, about a year ago. He is in jail now.

Clinton Democrat: Our countryman, Mr. V. A. Royal, is developing into a sanctification evangelist of note. He has been holding a big meeting near Mt. Olive for the past two weeks. On Saturday evening the large chimney to the southern end of Cedar Grove hotel collapsed and fell to the ground. Much of the wreckage fell inside the office building it for use for the time being. Sinking of the foundation caused the collapse. A man passed middle age came here last week driving a good turnout. He claimed to need \$50 to pay freight on a carload of horses. Which he was shipping to Mr. Grady Smith and left the horse and buggy as collateral. This was

the last seen of the horse man. In a few days Mr. Hare, a Wilson livery man, came here and identified the horse and buggy as his. He had hired the turnout to the alleged stock dealer who never returned. The property was turned over to Mr. Hare and Mr. Smith is out \$50.

Charlotte News: The case of John Harrill, vs the Southern was concluded in the superior court this afternoon. Mr. Harrill being awarded \$500 damages, he sued for \$2,000. The train frightened his horse, throwing him out, and injuring him severely. Lee Hunter and John Moore had a fight last night, and were tried this morning for engaging in an affray. Hunter was fined \$5, and Moore acquitted. Hunter was also fined \$3 for assaulting Sam D. McCarter. The affair occurred in the colored pool room on East Trade street.

The New York World has a picture of North Carolina's lone Democratic congressman, W. W. Kitchen, Esq., of the Fifth district.

Kinston Free Press: The arc electric lights have been tried several nights and so far have failed by a great deal to come up to the guarantee. The town authorities have notified the company from which the dynamos were purchased that they will not accept the arc dynamo. Edward Moore and J. S. Felten, white, and Eli House, colored, broke jail some time last Friday night. They made their escape from the cage by sawing a steel bar in two and bending the sheet iron far enough to permit them to get into the passage of the jail. The door of the jail is fastened outside by a lock and staple, the staple being bradded on the inside. The brads were sawn off, the staple forced out, and the door opened through which they made their escape. The prisoners had nearly made a hole in the jail wall, by taking out brick, through which they could have escaped in a short time had their attempt at the door failed.

Charlotte Observer: Mr. W. S. Grier, who works at Ashby's Pines, yesterday, that they will not accept the arc dynamo. Edward Moore and J. S. Felten, white, and Eli House, colored, broke jail some time last Friday night. They made their escape from the cage by sawing a steel bar in two and bending the sheet iron far enough to permit them to get into the passage of the jail. The door of the jail is fastened outside by a lock and staple, the staple being bradded on the inside. The brads were sawn off, the staple forced out, and the door opened through which they made their escape. The prisoners had nearly made a hole in the jail wall, by taking out brick, through which they could have escaped in a short time had their attempt at the door failed.

Raleigh News and Observer: Oxford, N. C., March 16.—Special.—Colonel R. J. Mitchell died at his home here today, aged 77. He was a veteran of the Mexican war, and for many years a prominent citizen of Oxford. (He also was in the great war between north and south.—Messenger)—Last night about 11 o'clock Walter Daniel, a young white man who works for a Mr. Worrell, in a small retail store on East street, filled himself up with boisterous liquor and filled his pistol with slugs of lead, and went into the house of a colored woman near Worrell's store on East street. He had been in the house but a little while before he yanked out his pistol and fired away at Annie Harrison, colored, who was visiting the house. The ball tore through her hand. She ran screaming into Worrell's store with Daniel after her. She hid behind the counter and Worrell, the store-keeper, grabbed the young man. He made several unsuccessful attempts to shoot, and in the scuffle, grabbed at his face and nearly tore out one of his eyes. The irate youngster declared that he would shoot the Harrison woman, shoot Worrell, then go back and kill the other woman and then kill himself. But when the crowd began gathering and the police were called, he could not skip so he "hit the grit," and at a late hour last night had not been apprehended.—At Hillsboro court Tuesday James Henderson, charged with the robbery of W. B. Sorrell's jewelry store here, was sentenced for six years in State's prison. Was a water, colored, who was charged with attempting to rape on Miss L. Lloyd, near Chapel Hill, was sentenced to fifteen years.

FUN.

Uncongenial Company.—"Mrs. Chink has hit on a plan to keep her husband from smoking in the parlor." "What did she do?" "She hung the portraits of her three former husbands there."—Chicago Record.

Kentucky is naturally becoming alarmed at the prospect of an over supply of water.

Freddy (delighted)—"Miss Quickstep told me a little while ago that I was like Blumgum's celebrated candy." Cholly—"She probably said you were 'fresh every hour'."—Chicago Tribune.

The whole shouted in triumph. "Never you mind," shouted Jonah, vindictively, "you've given me a good deal of trouble, I'll admit, but you just wait till the latter-day theologians tackle you." With a hoarse chuckle he struck out over the sand-dunes toward Ninevah.—New York Press.

"Yes, sir; that is the greatest dog to ferret out criminals that you ever saw. He has caught a bank burglar, seven murderers and thirty-seven road agents."—

"To what do you attribute his marvelous detective ability?" "Well, you see, as a pup he managed to swallow a lot of tracking paper and." But the listener was gone.

Tutt's Pills
Cure All Liver Ills.

Tried Friends Best.
For thirty years Tutt's Pills have proven a blessing to the invalid. Are truly the sick man's friend.

A Known Fact
For bilious headache, dyspepsia, sour stomach, malaria, constipation and all kindred diseases. **TUTT'S LIVER PILLS** AN ABSOLUTE CURE.

IMPORTANT DECISION.

Opinion of the Supreme Court in the Matter of Fourth Street Bridge—Justice Montgomery Overrules Judge Starbuck and Holds That the Street Railway Company Must Help to Maintain the Bridge.

The supreme court of North Carolina has just rendered a decision that is of special interest to the city and the railroads using its streets, as affecting the maintenance of public bridges. The Carolina Central Railway Company some time since instituted suit against the Wilmington Street Railway Company to enjoin its use of Fourth street bridge, near Hilton, unless it contributed pro rata to its maintenance. The city was also made a party defendant. Iredell Meares, Esq., appeared for the plaintiff railroad, John D. Bellamy, Esq., for the defendant street railway, and E. K. Bryan, Esq., for the city. The defendants filed a demurrer to the complaint and the case was tried before Judge Starbuck. Judge Starbuck holds that the plaintiff was not entitled to the relief demanded and sustained the demurrer by consent, as to the city, and by judgment as to the defendant street railway. The plaintiff appealed and the supreme court overruled the demurrer and rendered the following decision:

Montgomery J. Upon entering the city of Wilmington, the plaintiff company, before it could lay its track across Fourth street, at a point then within the city limits, was compelled to cut through a considerable embankment, necessitating the building of a bridge over the cut in order that travel and transportation should not be obstructed or delayed over the street. The territory within the city limits and contiguous to the bridge, has never been built up, nor have streets actually been laid off there. The highway, which at the bridge is said to be Fourth street, was the old public road leading out from the city before the city limits were extended. The bridge, when it was built, was, and is now sufficient for the ordinary purposes of travel by foot and horse and vehicle transportation. The defendant railway company has commenced running street cars over the bridge, and has determined to run them in sections of from two to four cars at a time. The defendant company refuses to unite with the plaintiff in the maintenance of the bridge in order to meet, as the plaintiff contended, the larger servitudes imposed upon it by the defendant company's cars, and to provide the necessary conveniences at the intersection as required of them by subsection 6 section 1,957 of the Code. The plaintiff alleges further in the complaint "That if the said defendant Street Railway Company is allowed to operate its cars over the said bridge, that there is great danger of the same giving way and accidents being thereby caused, and in the event of such accidents the plaintiff may be involved in vexatious litigation and actions for alleged damages to its loss and injury by reason of the fact that the said bridge is inadequate to support the running of the heavy cars defendant Street Railway Company propose to run and operate over said bridge." The complaint concludes with a prayer for judgment that the defendant company be enjoined from carrying out its proposed action.

A demurrer was filed and the ground assigned is that the complaint shows that the plaintiff company laid its track, dug the cut, and built the bridge across Fourth street, after the limits of the city had extended beyond the bridge, and that neither the proposed action of the defendant company nor its action in the past imposes, or will impose, any additional servitude upon the plaintiff company, and that the bridge forms a part, and that therefore no cause of action is set out in the complaint of the plaintiff.

The demurrer was sustained. The demurrer raises the question, whether or not the running of street cars by an incorporated street railway company over a bridge already constructed by a railroad company within the city limits and sufficient for the ordinary uses of the public, imposes an additional servitude upon the bridge? It would seem that the principle of law underlying the question, stripped of unnecessary baggage, is a simple one. In the solution of the matter it is only necessary to consider two propositions: first, the nature of the liability to the public, imposed upon the plaintiff company at the time of the construction of the bridge; and second, what continuing liability, if any, was imposed upon the plaintiff as to the maintenance of the bridge.

The law undoubtedly imposed upon the plaintiff company, at the time the bridge was built, the obligation to put up such a structure as would be sufficient for the then needs of the public to travel and transport their goods to the street or highway. It is also well settled by the authorities that the plaintiff company was under the further obligation of maintaining a bridge of such proportions and strength as would meet the continuing demands of the public in reference to travel by foot and horse and the ordinary vehicle transportation over the street. The growth in population and the building up of cities and trade, while probably increasing the expenditures of the plaintiff company in maintaining the bridge to meet changing conditions also increase the business and profits of the plaintiff company and thereby compensate it for its additional outlay on account of the added burden of servitude which these things produce. But does the obligation imposed upon the plaintiff extend any further than to maintain a bridge equal to the demands of the public for foot and horse travel and ordinary vehicle transportation? Can the obligation be extended to include the use of the bridge for the running of heavy street cars by a corporation formed for the profit of its stockholders and whose chief purpose is private gain and not the public good? It seems to us that to state the question is to answer it in the negative. Street railways are in a certain sense highways, but not in the strict sense are they public highways; for their owners have private rights of property in the franchise and they are operated for the private benefit of the stockholders. The public benefit from street railways is only incidental. It is beside the question to argue that the laying of a street railway track and the running of street cars do not impose any additional servitude upon the rights of the abutting proprietors in the land used for a public street, that, therefore, the running of street cars over a bridge constructed by another corpo-

ration and sufficient for all other purposes than the running of street cars over it does not impose additional servitudes upon the bridge. There is no analogy in the two propositions, and the same law is not applicable. The abutting owners along a street have either granted easements over the street, or have been compensated for the taking of their property for the public uses; and under these circumstances they will not be allowed to complain of those who use the street for transportation over the streets, which have been sanctioned by the proper authorities or to demand additional compensation for such uses to which the street is put unless such use materially impairs the rights of the abutting owners and are made necessary for the sole use and benefit of the street railway company. Elliott on Roads and Streets, 558. In all cases where the abutting proprietors dedicate the street, or are paid for the property to be used as a street, there is a presumption that they intend that the street may be used by the street railways, provided the ordinary and usual street uses are not destroyed or impaired to the real detriment of the public. This presumption does not apply to the ordinary railroads however. In Dillon Municipal Corporations, Section 722, the author writes: "Such proprietor must be taken to contemplate all improved and more convenient modes of use which are reasonably consistent with the use of the street by ordinary vehicles and in the usual modes." But the plaintiff has received no benefit or compensation in any shape from the defendant company for the use of the bridge by defendant's street cars, nor has the defendant company shared the expense of building or maintaining the bridge and the plaintiff company therefore owes the defendant no duty whatever to furnish at the plaintiff's cost and risk, a safe passage for defendant's street cars over the bridge to the end that the defendant company may conduct its business, profitable only to its own stockholders, without risk or expense. That would simply be an appropriation of the property of one to the benefit of another without compensation; and that could not of course be allowed.

We are of the opinion that the plaintiff stated a good cause of action in its complaint and that there was error in the ruling of the court. Error.

INSATIABLE HATTERAS.

Another Terrible Disaster on Her Treacherous Sides—A Steamer Wrecked and Many Lives Lost—Four Out of Eighty-Two Persons Survive and They Driven Mad.

New York, March 18.—Augustin Forget, the French Line's agent at this port, made the following statement of the disaster to the steamer St. Nazaire, as he had learned it from Captain Berri's disconnected remarks:

"The St. Nazaire encountered a tempest when forty-eight hours out from New York for Port au Prince. The steamship had made about 270 miles from this port and was somewhere off Hatteras. Heavy seas swept the steamship continually from Sunday afternoon to midnight. They poured down the hatches and put out the fires in the engine room, rendering the vessel helpless. Captain Jaquenaux ordered out the boats, seeing no other hope. Four boats were launched, only to be crushed against the ship. In a momentary lull the other four boats were launched in the lee of the wreck and all on board crowded into them.

It was in which Captain Berri got contained thirty-seven persons, including a woman and four children. Captain Berri took command and ordered signal lights carried for the other boats to follow. The four boats parted company, however, almost at once, and Captain Berri never saw trace of the other three after leaving the wreck. Everybody worked hard to keep the boat's head to the waves and all suffered most intensely through the first night. Some froze to death and others jumped over board. Of the last days of the terrible experience Captain Berri has only a hazy recollection.

Alphonse Dumois, one of the passengers on the St. Nazaire, a brother of Hippolyte Dumois, head of the firm of H. Dumois & Co., fruit dealers of this city, Ramon Jimenez, another of the passengers, was the head of the firm of R. J. Jimenez & Co., contractors and engineers, also of this city. Agent Forget furnished a complete list of the passengers and crew who were in the vessel when she left. There were eleven passengers in all on the ship, but the crew list numbered seventy-one men. The names of the passengers are as follows: A. Dumois, L. Dumois, San Domingo; Ramon Jimenez, Maya Pucenza Sarnolle, Port au Prince; Mr. and Mrs. Juan de Dios Tijada and four children San Domingo.

The officers of the vessel were white men. The rest of the crew were colored. Captain Berri was a passenger, although not on the list. He is an officer of the steamship company. The four survivors were picked up by the steamer Hilda, on Sunday afternoon about ten miles off Fenwick Island. Four dead men were in the boat with the four living. The survivors are all a fair way to recover their health, although all four were insane when rescued. The vessel left New York March 6th. The wreck occurred March 8th and the survivors were rescued March 14th.

The Question of Clearance to Filibusters. Washington, March 18.—Attorney General McKenna has been in telegraphic communication with the United States marshal at Jacksonville concerning the application of the owners of the steamer Dauntless for permission to clear from Jacksonville with a cargo of filibusters. The marshal is now making an inquiry, with a view to obtaining additional facts to enable the attorney general to render an opinion on the application. The cabinet conference of yesterday did not dispose of the matter. Until the opinion of the attorney general is rendered the Dauntless will not be allowed to clear. The question yet to be settled definitely is whether a vessel can take out papers for some alleged Cuban port, known to be fictitious. Permission was given the Three Friends at one time to clear for the port of El Maceo, which does not exist, so far as this government is concerned, but it is not likely that another application of this character will be granted.

Bucklen's Arnica Salve
The Best Salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions. It cures positively, never fails, and is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by R. R. Bellamy.

ATTEMPT AT KIDNAPING.

A Little Girl to Be Held for a Large Ransom—One of the Kidnapers Killed While Entering the House.

Houston, Texas, March 18.—The most daring attempt at crime ever known here was frustrated this morning at 3 o'clock when detectives killed Walter Hughes as he was in the act of entering the house of Frank Dunn, a wealthy resident of this city. The police received information some time ago that a scheme was on foot to kidnap Dunn's little daughter. The purpose of the kidnapers was to keep the girl in captivity and demand \$40,000 ransom for restoring her to her parents. Detectives have been on guard at Mr. Dunn's house for several nights, but no developments occurred until this morning. When it was discovered that a man was attempting to force one of the windows of the residence. One of the officers inadvertently attracted the attention of the marauder, who finding he was discovered, drew a revolver and fired twice at the detective. The detectives then opened fire and the intruder fell dead.

Walter Hughes was a railroad man, but has lately been working as a carpenter. He had rented a house near Dunn's and under the floor of one of the rooms had dug a cave in which the kidnaped child was to be secreted until the ransom was paid. At a point some distance from the city Hughes had arranged a number of tin boxes where he intended to give notice that if any watch was kept over the overstories, it would result in the death of the child.

When Hughes' body was searched a revolver, a keen-edged butcher knife and a bottle of chloroform were found. An immense crowd has gathered in and around the morgue, where the body lies. Mr. Hughes has been arrested but will not talk.

Will Wilmington and Newbern Permit It?

Wilmington, N. C., March 17. Editors Messenger: Is the act constitutional which makes it mandatory upon the governor of the state to appoint the whole or a part of the aldermen of these municipalities? Nothing can be gained by assailing the last legislature as a congregation of "freaks." We must assume their impulses were patriotic and their motives pure, and it ought not perhaps to be accepted as a violent assumption. To err is human, and it seems our legislators were extremely human, and they were not to blame for it. Our purpose is to prove, as we think conclusively, that our legislature did err, and that these acts are unconstitutional.

In our complex form of government, the original sovereign power vested exclusively in the sovereign states, and the United States, although a nation, is not an absolute sovereign, but is such only to the extent of the powers delegated by the sovereign states themselves. The state of North Carolina in the infancy of her statehood reserved to herself all her sovereign powers, save only those delegated to the general government. But in the growth and development of a state, in order to promote the welfare of the citizen, the state was divided into counties, and these again into townships, and so much of the remaining sovereign power of the state was delegated to these counties and townships as was necessary to their municipal control. These powers so delegated became vested rights in these counties and townships, which could not be wrested from them without their consent. The war of the section settled the question for all time that a sovereign state could resume the exercise of sovereign powers so delegated, without the consent of all the others. In the case of a municipality, called a city, when the state gave it birth and recognized its limits and endowed it with its sovereign power as to enable it to elect its own board of control and levy the taxes for its maintenance, it was a delegation of its sovereign power pro tanto, which became a vested right in such municipality, which cannot be deprived without its consent. Vested rights cannot be disturbed by the breadth of unrestricted and unrestrained legislation. The municipalities of Wilmington and New Bern, when they received their charters, organized under their charters, and accepted the delegated power of the state as a right and power which the municipality alone could exercise through officers of her own selection. Municipal improvements have since been inaugurated, taxes have been levied and the state has paid for them, under an implied contract with the state, that the citizens of the municipality should retain and exercise solely and exclusively municipal control. Under this implied contract on the part of the state, the people have invested, in good faith, in residence property and in business property within the limits of these municipalities, and these property owners have a vested right in the maintenance of the conditions which have prompted the investment until the conditions are changed by a direct vote of the people. It is true, the members of the state legislature, coming from the people, are supposed to be clothed with the power to legislate upon all matters pertaining to the welfare of their constituents, but when such legislation radically changes the fundamental theory of municipal government, it can only be made effective by submitting it to a vote of the people, otherwise the natural and political rights of the individual becomes a phrase to conjure with and not a reality.

An essential element in legislation affecting the municipalities of the state is uniformity. Without it the law is impotential. If it were desirable to legislate against the dominance of any class in our populous centres the act should have been uniform in its operation in all the cities of the state and operative after being submitted to and ratified by the people, and then even, there is great danger in committing so great power to any one man.

It is at best, an abnormal exercise of power, of doubtful expediency. Investors would be at sea, with neither chart or compass. The conditions surrounding the locality of the investment, the prevailing popular sentiment, would be no certain index of the future. The governor, with his political intrigues and partisan favors, would be an unknown factor which would militate against the best efforts of the municipality. It is very questionable whether the law would stand the test of the courts, if its constitutionality were brought in issue.

The law in violation of the constitutional rights of the citizens of these municipalities affected by it, is in derogation of the theory, that wherever there are vested rights, they cannot be disregarded except by the consent of the parties affected, and is obnoxious to the charged with the duty of not uniform in its operation, in all the municipalities of the state.

CITIZEN.